

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

NIPPON SHINYAKU CO., LTD.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 21-1015 (GBW)
)	
SAREPTA THERAPEUTICS, INC.,)	
)	
Defendant.)	
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SAREPTA THERAPEUTICS, INC. and THE)	
UNIVERSITY OF WESTERN AUSTRALIA,)	
)	
Defendant/Counter-Plaintiffs,)	
)	
v.)	
)	
NIPPON SHINYAKU CO., LTD.)	
and NS PHARMA, INC.)	
)	
Plaintiff/Counter-Defendants.)	

**SAREPTA THERAPEUTICS, INC.’S MOTION FOR SUMMARY JUDGMENT OF
NO LOST PROFITS (MOTION #2)¹**

Pursuant to Federal Rule of Civil Procedure 56, Sarepta Therapeutics, Inc. (“Sarepta”) respectfully moves for entry of summary judgment that Nippon Shinyaku Co., Ltd. is not entitled to recover lost profits damages from Sarepta for any alleged infringement of U.S. Patent Nos. 9,708,361; 10,385,092; 10,407,461; 10,487,106; 10,647,741; 10,662,217; and 10,683,322. The grounds for this Motion are set forth in the Opening Brief in support thereof, filed concurrently.

¹ Pursuant to the Court’s Scheduling Order (D.I. 143, ¶13(d)), Sarepta ranks this motion as the second of its three summary judgment motions.

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December 11, 2023

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Plaintiff/Counter-Defendants.)	

**[PROPOSED] ORDER GRANTING SAREPTA THERAPEUTICS, INC.’S MOTION
FOR SUMMARY JUDGMENT OF NO LOST PROFITS (MOTION #2)**

Having considered Sarepta Therapeutics, Inc.’s (“Sarepta’s”) motion for summary judgment that Nippon Shinyaku Co., Ltd. is not entitled to lost profits, and all related papers filed in connection therewith,

IT IS HEREBY ORDERED that Sarepta’s Motion is **GRANTED**: Nippon Shinyaku Co., Ltd. is not entitled to recover lost profits damages from Sarepta for any alleged infringement of U.S. Patent Nos. 9,708,361; 10,385,092; 10,407,461; 10,487,106; 10,647,741; 10,662,217; and 10,683,322.

IT IS SO ORDERED, this ____ day of _____, 2024.

The Honorable Gregory B. Williams
U.S. District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on December 11, 2023, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on December 11, 2023, upon the following in the manner indicated:

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